

FEB 28 2005

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKASTATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

R.A. ROZANEK, and

ROZANEK FUNERAL HOMES, INC.,

RESPONDENTS.

CONSENT ORDER

CAUSE NO. A-1601

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Keri Schechinger and R.A. Rozanek ("Respondent Rozanek") and Rozanek Funeral Homes, Inc. ("Respondent Funeral Home"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to Neb. Rev. Stat. § 44-101.01 and § 44-4047 et seq.
2. Respondent Rozanek was licensed as a resident insurance producer under the laws of Nebraska from August 15, 1997, until August 31, 2003.
3. Because Respondent Rozanek's insurance producer's license lapsed less than three years ago, the Department retains the authority to take disciplinary action against him under the Insurance Producer's Licensing Act, pursuant to Neb. Rev. Stat. § 44-4059(5).

4. Respondent Funeral Home was licensed as an insurance producer with the Department at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. R.A. Rozanek and Rozanek Funeral Home, Inc., Cause Number A-1601 on November 9, 2004. A copy of the petition was served upon Respondents at Respondents' registered business address, by certified mail, return receipt requested.

2. On December 28, 2004, the Department filed an Order of Continuance for State of Nebraska Department of Insurance vs. R.A. Rozanek and Rozanek Funeral Home, Inc., Cause Number A-1601. A copy of the Order of Continuance was sent to Respondents via facsimile as well as served upon Respondents at Respondents' registered business address, by certified mail, return receipt requested.

3. The Petition alleges the following:

- a. Respondent Funeral Home violated Neb. Rev. Stat. §§ 44-4053(2)(b) and 44-4059(1)(b), by failing to have a licensed insurance producer designated to be responsible for its compliance with the insurance laws, rules, and regulations of Nebraska. Instead, the designated responsible producer for Respondent Funeral Home is Respondent Rozanek, who does not currently hold an insurance producer's license in Nebraska.
- b. Respondents Rozanek and Funeral Home violated Neb. Rev. Stat. § 44-1525(11) as well as Neb. Rev. Stat. §§ 44-4059(1)(b) and (g), as a result of the following conduct:
 - (i) On or about June 16, 2004, Reva Vandevoorde, Market Conduct Examination Supervisor for the Nebraska Department of Insurance, sent a letter to the Respondent Rozanek at his registered business address via certified mail,

requesting that he provide her with certain specified information related to a market conduct examination that was being conducted on Respondent Funeral Home.

- (ii) The June 16, 2004, letter from the Department was signed for and received on or about June 24, 2004.
- (iii) Respondents failed to respond to the Department's June 16, 2004, letter within fifteen working days.

4. Respondents were informed of their right to a public hearing. Respondents waive that right, and enter into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving their right to a public hearing, Respondents also waive their right to confrontation of witnesses, production of evidence, and judicial review.

5. Respondents admit the allegations contained in the Petition and restated in Paragraph #3 above.

CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes violations of Neb. Rev. Stat. §§44-4053(2)(b), 44-1525(11), 44-4059(1)(b), and 44-4059(1)(g).


CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondents R.A. Rozanek and Rozanek Funeral Homes, Inc. that Respondent Funeral Home's insurance producer's license shall be surrendered to the Department of Insurance within thirty (30) calendar days from the date the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. If Respondent Funeral Home's insurance producer's license is not surrendered to the Department of Insurance within the time specified, its Nebraska's insurance producers license shall automatically be suspended

indefinitely until the license is surrendered and it shall be subject to additional administrative action(s).

It also is ordered by the Director and agreed to by Respondents that Respondents each shall pay an administrative fine of five hundred dollars (\$500) for a total administrative fine of one thousand dollars (\$1,000). The fines shall be paid in total within thirty (30) calendar days after the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. If Respondent Rozanek fails to pay his fine in the time specified, he shall be subject to additional administrative action(s). Moreover, if Respondent Funeral Home fails to pay its fine in the time specified, it shall be subject to additional administrative action(s).

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.


Keri Schechinger, Counsel
Nebraska Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

2/24/05
Date


R.A. Rozanek

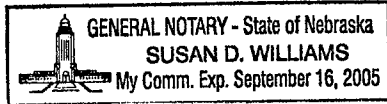
Date

Attorney for R.A. Rozanek

Date

State of Nebraska)
County of Lancaster) ss.

On this 24th day of February, 2005, B. A. Rozanek
personally appeared before me and read this Consent Order, executed the same and
acknowledged the same to be his voluntary act and deed.



Susan D. Williams
Notary Public

B. A. Rozanek
Rozanek Funeral Homes, Inc.

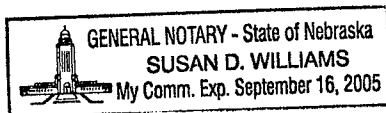
Date

Attorney for Funeral Home

Date

State of Nebraska)
County of Lancaster) ss.

On this 24th day of February, 2005, B. A. Rozanek
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acknowledged the same to be his voluntary act and deed.



Susan D. Williams
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. R.A. Rozanek and Rozanek Funeral Home, Inc., Cause Number A-1601.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

2/28/05
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and Notice of Hearing was served upon Respondent by mailing a copy to Respondent R.A. Rozanek at 904 N. Bell, Fremont, NE 68025, and to Respondent Rozanek Funeral Homes, Inc. at 904 N. Bell Street, Fremont, NE 68025, by certified mail, return receipt requested, on this 1st day of ~~January~~ March, 2005.

